

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AYLIN GAUGHAN,

Plaintiff,

-against-

STEPHEN G. BAROUNIS, in his personal and
professional capacity, et al.,

Defendants.

24-CV-4119 (ER)

ORDER OF SERVICE

EDGARDO RAMOS, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under the court’s federal question jurisdiction and asserts claims under Section 1309 of the Violence Against Women Act Reauthorization Act of 2022, 15 U.S.C. § 6851, and other laws. By order dated July 17, 2024, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. The Court directs service on Defendants.

DISCUSSION

A. Service on the Named Defendants

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service (“USMS”) to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that summonses be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

1. Service on Stephen Barounis, Katherine Viera, and the City of New York

To allow Plaintiff to effect service on Defendants Stephen Barounis, Katherine Viera, and the City of New York through the USMS, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of those defendants. The Clerk of Court is further instructed to issue summonses and deliver to the USMS all the paperwork necessary for the Marshals Service to effect service upon those defendants.

If the complaint is not served on those defendants within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if she fails to do so.

2. Service on WGCZ, S.R.O., Stephane Michael Pacaud, and Malorie Deborah Pacaud

The USMS cannot serve individuals or other entities in other countries. *See Cross v. State Farm Ins. Co.*, No. 3:10-CV-1179, 2011 WL 13234729, at *2 n.3 (N.D.N.Y. Nov. 7, 2011). To allow Plaintiff to serve WGCZ, S.R.O., Stephane Michael Pacaud, and Malorie Deborah Pacaud, all located in Prague, Czech Republic, the Clerk of the Court is instructed to send each of those defendants a copy of a summons and the complaint by registered mail. *See Fed. R. Civ. P.* 4(f)(1), (h)(2) (authorizing service on individuals or other entities in other countries pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (“Hague Convention”), Nov. 15, 1965, 20 U.S.T. 361).

B. John and Jane Does 1-50

Plaintiff names John and Jane Does 1-50 as defendants in the caption of the complaint. Because Plaintiff alleges no facts showing how the Doe defendants were directly involved in the alleged violations, and provides no information that would allow identification of those defendants, the Court declines at this time to issue an order under *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997), concerning those defendants.

CONCLUSION

The Court directs the Clerk of Court to: (1) mail an information package to Plaintiff; (2) issue summonses for each defendant; (3) complete the USM-285 forms with the service addresses for Barounis and Viera; (4) deliver to the USMS all documents necessary to effect service of summonses and the complaint on Barounis and Viera; and (5) send copies of summonses and the complaint to Defendants WGCZ and Stephane and Malorie Pacaud in Prague, Czech Republic, by registered mail.

SO ORDERED.

Dated: September 24, 2024
New York, New York



EDGARDO RAMOS
United States District Judge

SERVICE ADDRESS FOR EACH DEFENDANT

1. Stephen G. Barounis
9 Valleywood Court West
Saint James, New York 11780
2. Katherine Viera
9 Valleywood Court West
Saint James, New York 11780
3. The City of New York
Law Department
100 Church Street
New York, New York 10007
4. WGCZ, S.R.O.
Praha 1 – Nove Mesto
Krakovska 1366/25 PSC 110 00
Prague, Czech Republic
5. Stephane Michael Pacaud
Praha 1 – Nove Mesto
Krakovska 1366/25 PSC 110 00
Prague, Czech Republic
6. Malorie Deborah Pacaud
Praha 1 – Nove Mesto
Krakovska 1366/25 PSC 110 00
Prague, Czech Republic